

AUG 04 2003  
PATENT & TRADEMARK OFFICE

Edman  
8-11-03 #6/Electronic

**S/N 09/865056**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Jean-Louis Mathiez	Examiner:	Troy Arnold
Serial No.:	09/865056	Group Art Unit:	3721
Filed:	May 24, 2001	Docket:	967.037US1
Title:	PACKAGING AND COVER FOR PACKAGING FOR COSMETIC OR PHARMACEUTICAL COMPOSITIONS		

**RESPONSE TO CORRESPONDENCE MAILED JULY 1, 2003**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

**AUG 07 2003**

**TECHNOLOGY CENTER R3700**

The Examiner has requested the Applicant to prepare a restriction of claims 1-32 of the present application. Applicant is responding in order to decline to prepare such a restriction. Applicant does not believe that there is more than one invention claimed.

Furthermore, it is not appropriate for the Applicant to be called upon to perform the task requested. Restriction practice is within the purview of the United States Patent Office, not the Applicant. MPEP Section 803.01, cited below, describes the authority required to perform and approve Restriction Requirements to avoid double patenting. The Applicant is given no role in this process.

Since requirements for restriction under **35 U.S.C. 121** are discretionary with the Commissioner, it becomes very important that the practice under this section be carefully administered. Notwithstanding the fact that this section of the statute apparently protects the applicant against the dangers that previously might have resulted from compliance with an improper requirement for restriction, IT STILL REMAINS IMPORTANT FROM THE STANDPOINT OF THE PUBLIC INTEREST THAT NO REQUIREMENTS BE MADE WHICH MIGHT RESULT IN THE ISSUANCE OF TWO PATENTS FOR THE SAME INVENTION. Therefore, to guard against this possibility, only an examiner with permanent or temporary full signatory authority may sign final and non-final Office actions containing a final requirement for restriction, except that an examiner with permanent or temporary partial signatory authority may sign non-final Office actions containing a final requirement for restriction.

RESPONSE TO CORRESPONDENCE MAILED JULY 1, 2003

Serial Number: 09/865056

Filing Date: May 24, 2001

Title: PACKAGING AND COVER FOR PACKAGING FOR COSMETIC OR PHARMACEUTICAL COMPOSITIONS

Page 2

Dkt: 967.037US1

It is believed that this response addresses the query made by the Examiner. Because there has not been an actual claim restriction, Applicant cannot make an election.

Respectfully submitted,

JEAN-LOUIS MATHIEZ

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6976

Date 1 August 03 By J. M. Kalis  
Janal M Kalis  
Reg. No. 37,650

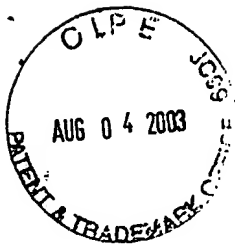
CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1<sup>st</sup> day of August, 2003.

Name

Dawn M. Poole

Signature

Dawn M. Poole



3721

RECEIVED

AUG 07 2003

TECHNOLOGY CENTER R3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jean-Louis Mathiez

Title: PACKAGING AND COVER FOR PACKAGING FOR COSMETIC OR PHARMACEUTICAL COMPOSITIONS

Docket No.: 967.037US1

Serial No.: 09/865056

Filed: May 24, 2001

Due Date: August 1, 2003

Examiner: Troy G. Arnold

Group Art Unit: 3721

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

☒ A return postcard.☒ A Response to Correspondence Mailed July 1, 2003 (2 Pages).

If not provided for in a separate paper filed herewith, Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: *Janal M. Kalis*  
Atty: Janal M. Kalis  
Reg. No. 37,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 01 day of August, 2003.

*Dawn M. Poole*  
Name

*Dawn M. Poole*  
Signature

**Customer Number 21186**

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
(GENERAL)

P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)